

CORRECTED FISCAL NOTE

SB 3868 - HB 3986

March 24, 2006

SUMMARY OF BILL: Broadens the classes of potential offenders and victims of the offense of sexual contact with an inmate. Increases the penalty from a Class A misdemeanor to a Class E felony.

ESTIMATED FISCAL IMPACT:

On March 11, 2006, we issued a fiscal note which indicated *an increase in state expenditures of \$21,900/Incarceration**. Based on the additional information provided to us, the estimated fiscal impact of this bill is:

(CORRECTED)

Increase State Expenditures - \$21,900 / Incarceration*

(Included in the Governor's FY06-07 Recommended Budget)

Assumptions:


- During 2000-2004, 60 employees were investigated or had disciplinary action taken against them for sexual contact with an inmate. Of the cases forwarded to the District Attorney's Office, approximately 20 percent were prosecuted.
- Four offenders per year will serve 0.3 years (109.58 days). According to DOC, the average operating cost per inmate per day for calendar year 2006 is \$50.02. The cost per inmate at 0.3 years is \$5,481.19 (\$50.02 x 109.58). The total operating cost for four offenders is \$21,924.76 (\$5,481.19 x 4).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09% per year for the past 10 years, yielding a projected compound population growth of 13.6% over the next ten years. No significant incarceration cost increase will occur due to population growth in this period.

**Tennessee Code Annotated, Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

SB 3868 - HB 3986 (CORRECTED)

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director